

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Michael Brodkorb,
Plaintiff,

v.
Minnesota Senate,
Defendant.

File No. 12-CV-01958 (SRN/AJB)

**AFFIDAVIT OF CHRISTOPHER J.
HARRISTHAL IN SUPPORT OF
DEFENDANT'S MOTION TO
COMPEL DISCOVERY RESPONSES**

**(Exhibits C – D and F - K Filed Under
Seal)**

STATE OF MINNESOTA)
)
) ss.
COUNTY OF HENNEPIN)

Christopher J. Harristhal, being first duly sworn, upon oath, deposes and states:

1. I am an attorney with Larkin Hoffman Daly & Lindgren, Ltd., counsel for Defendant Minnesota Senate in the above-captioned action.
2. Attached hereto as Exhibit A is a true and correct copy of the Affidavit of Service, dated April 8, 2013, serving Defendant's Interrogatories to Plaintiff (Set I), Defendant's Request for Production of Documents to Plaintiff (Set I) and blank medical and employment authorizations.
3. Attached hereto as Exhibit B is a true and correct copy of Plaintiff's Answers to Defendant's First Set of Interrogatories, dated May 24, 2013
4. Attached hereto as Exhibit C is a true and correct copy of Plaintiff's Answers to Defendant's First Set of Interrogatories Attorneys Eyes Only, dated May 24, 2013. (Filed under

seal pursuant to the “Confidential” designations by Plaintiff Michael Brodkorb under the Protective Order issued by the Court.)

5. Attached hereto as Exhibit D is a true and correct copy of Plaintiff’s Initial Disclosures, dated April 25, 2013. (Filed under seal pursuant to the “Confidential” designations by Plaintiff Michael Brodkorb under the Protective Order issued by the Court.)

6. Attached hereto as Exhibit E is a true and correct copy of Plaintiff’s Answers to Defendant’s First Set of Requests for Production of Documents, dated May 24, 2013, served May 28, 2013.

7. Attached hereto as Exhibit F is a true and correct copy of correspondence from Attorney Harristhal to Attorney Walsh, dated May 28, 2013. Plaintiff did not accept my invitation to meet and confer on any of the dates I proposed in that letter. (Filed under seal pursuant to the “Confidential” designations by Plaintiff Michael Brodkorb under the Protective Order issued by the Court.)

8. Attached hereto as Exhibit G is a true and correct copy of correspondence from Attorney Walsh to Attorney Harristhal, dated May 31, 2013. Plaintiff’s counsel never responded to my letter of May 31, 2013 before we prepared our motion papers and no explanation have been provided for the refusals to produce documents and information addressed in my letter. My offer to meet and confer on June 3, 4 or 5 was not accepted. (Filed under seal pursuant to the “Confidential” designations by Plaintiff Michael Brodkorb under the Protective Order issued by the Court.)

9. Attached hereto as Exhibit H is a true and correct copy of correspondence from Attorney Harristhal to Attorney Walsh, dated May 31, 2013. (Filed under seal pursuant to the

“Confidential” designations by Plaintiff Michael Brodkorb under the Protective Order issued by the Court.)

10. Attached hereto as Exhibit I is a true and correct copy of correspondence from Attorney Harristhal to Attorney Walsh, dated June 6, 2013. Plaintiff’s counsel never responded to my letter of June 6, 2013 and no explanations have been provided for the refusals to produce information addressed in my letter. (Filed under seal pursuant to the “Confidential” designations by Plaintiff Michael Brodkorb under the Protective Order issued by the Court.)

11. Although I do not regard it as a response to my letters of June 6 or May 31, because of the time lapse and failure to address most of the topics I raised, we did receive a letter in the afternoon of June 26, 2013 from Greg Walsh, after our memorandum of law was drafted, which enclosed employment authorizations and indicated that Plaintiff will be requesting his medical records from the one physician identified in the answer to Interrogatory No. 4, and that copies would be provided to us. A copy of that correspondence is attached as Exhibit J. (Filed under seal pursuant to the “Confidential” designations by Plaintiff Michael Brodkorb under the Protective Order issued by the Court.)

12. Attached hereto as Exhibit K is a true and correct copy of an email string between Attorney Harristhal and Attorney Walsh, spanning June 13, 2013 through June 24, 2013. (Filed under seal pursuant to the “Confidential” designations by Plaintiff Michael Brodkorb under the Protective Order issued by the Court.)

13. Attached hereto as Exhibit L is a true and correct copy of the article “Michael Brodkorb pleads guilty to DWI in January crash,” by Marino Eccher of the Pioneer Press, accessed March 13, 2013.

14. Attached hereto as Exhibit M is a true and correct copy of the article “Michael Brodkorb pleads guilty to DWI in January crash,” by Marino Eccher of Pioneer Press, accessed April 17, 2013.

15. Attached hereto as Exhibit N is a true and correct copy of the article “Michael Brodkorb crash: Former Senate staffer critically injured – KMSP-TV,” dated January 25, 2013.

FURTHER YOUR AFFIANT SAYETH NOT.

s/ Christopher J. Harristhal

Christopher J. Harristhal (175754)

Subscribed and sworn to before me this
27th day of June, 2013.

s/ Tammy Jo Estrem

Notary

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